

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

DANIEL OVERTON ROBBINS

PLAINTIFF

v.

Civil No. 04-5297

SCOTT FARBOR; JACOB WAGGNER;  
and MIKE FREEMAN, all of the Washington  
County Sheriff's Office/Detention Center

DEFENDANTS

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**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Daniel Overton Robbins filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on December 6, 2004. His complaint was filed in forma pauperis (IFP).

On June 6, 2005, defendants filed a motion for summary judgment (Doc. 13). On July 1, 2005, the undersigned entered an order (Doc. 16) directing Robbins to complete, sign and return an attached questionnaire that would serve as his response to the summary judgment motion.

The plaintiff's response to the questionnaire was to be returned by August 5, 2005. To date, the plaintiff has failed to respond to the questionnaire. The court's order and attached questionnaire have not been returned as undeliverable. The order was mailed to the same address as the court's prior orders. Plaintiff has not informed the court of any change in his address. Plaintiff has not otherwise communicated with the court.

I therefore recommend Robbin's claims be dismissed on the grounds he has failed to prosecute this action and comply with the order of the court. *See Fed. R. Civ. P. 41(b).* **The parties have ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result**

**in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 25th day of August 2005.

/s/ Beverly Stites Jones  
UNITED STATES MAGISTRATE JUDGE